

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ADMINISTRATION

1. **Title and its heading:** 2, Administration
Chapter and its heading: 10, Department of Administration - Risk Management Services
Article and its heading: 1, Coverage and Claims Procedure
Section numbers: R2-10-101, R2-10-106 through R2-10-108
2. **Subject matter of the proposed rules:**
To facilitate implementation of A.R.S. § 41-621(E) as it specifically pertains to the \$10,000 deductible, the Department of Administration is proposing to amend the rules related to the coverage and claims procedure for property, liability, and workers' compensation losses.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: John Kindree
Address: Department of Administration
Risk Management Section
1818 West Adams
Phoenix, Arizona 85007
Telephone: (602) 542-1492
Fax: (602) 542-2021
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Department will accept written comment Monday through Friday between 8 a.m. and 5 p.m. at the address listed above.
Oral proceedings schedule will appear with the filing of the proposed rules.
6. **A timetable for agency decisions or other action in the proceeding:**
It is anticipated that the Notice of Proposed Rulemaking will be filed by the Department in late March.

NOTICE OF RULEMAKING DOCKET OPENING

REAL ESTATE DEPARTMENT

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 28, Real Estate Department
Articles and their headings: 1, General Provisions
2, Definitions
3, License Applications: Types; Regulations
4, Education: Examinations, Schools, Instructors
5, Advertising
7, Commissions
8, Documents
10, Franchises and Fictitious Names
11, Professional Conduct
12, Subdivisions
13, Hearings: Rules of Practice and Procedure
Section numbers: R4-28-101 through R4-28-103, R4-28-201, R4-28-301 through R4-28-305, R4-28-401 through R4-28-403, R4-28-501 through R4-28-504, R4-28-701, R4-28-801 through R4-28-804, R4-28-1001,

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R4-28-1101, R4-28-1102, R4-28-1201, R4-28-1203, R4-28-1204, and R4-28-1301 through R4-28-1313

2. **Subject matter of the proposed rules:**
The Department proposes to clarify the rules to remove ambiguous and confusing information and information duplicated by statute; to provide greater flexibility when using trade/fictitious names; to repeal rules that are superseded by the Office of Administrative Hearings; to establish a structure and format current with the Administrative Procedure Act and with Secretary of State guidelines; and to incorporate the Department's substantive policies.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Jerry Holt, Commissioner
Address: Real Estate Department
2901 North 44th Street, Suite 100
Phoenix, Arizona 85018
Telephone: (602) 468-1414, ext. 135
Fax: (602) 468-0562
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Department will accept written comments between 8 a.m. and 5 p.m. Monday through Friday at the address listed above.
6. **A timetable for agency decisions or other action in the proceeding:**
None.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System (AHCCCS) - Administration
Articles and their headings: 3, Eligibility and Enrollment
7, Standards for Payments
Section numbers: R9-22-701 through R9-22-703, R9-22-705 through R9-22-707, R9-22-709 through R9-22-711, R9-22-715, and R9-22-717
2. **Subject matter of the proposed rules:**
Change as proposed to R9-22-342 is that, for capitation purposes, the effective date of the newborn's enrollment is the date AHCCCS receives such notification. This change will make contractors responsible effective October 1, 1997, for medically necessary services provided to newborn members back to the date of eligibility.

The proposed rules result from a 5-year review of this Article which identified nonsubstantive revisions which would make the language more clear, concise, and understandable. In addition, the proposed rules have changes effective October 1, 1997, the contractors will be responsible for medically necessary services provided to members back to the date of eligibility.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop #4200
Phoenix, Arizona 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756
5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday between 8 a.m. and 5 p.m. at the address listed above. A public hearing is scheduled for May 23, 1997, during which oral comments may be presented.
6. **A timetable for agency decisions or other action in the proceeding:**
Initiating proposed rulemaking in 1997.

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NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System (AHCCCS) - Administration
Article and its heading: 9, Quality Control and Review Analysis
Section numbers: R9-22-906
2. **Subject matter of the proposed rules:**
A current R9-22-906(F) requires a county to submit an annual corrective action plan by June 1 of each year, if their overall certification error date, calculated pursuant to A.R.S. § 36-2905.01(A), exceeds 3%. The proposed rule would change when a county is to submit a corrective action plan. A county would submit a corrective action plan within 60 days of receipt of their Error Rate Report from AHCCCS.
3. **A citation to all published notices relating to the proceeding:**
None published.
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop #4200
Phoenix, Arizona 85034
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5. **The time during which written submissions may be made and the time and place where oral comments may be made:**
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6. **A timetable for agency decisions or other action in the proceeding:**
Initiating proposed rulemaking in 1997.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

1. **Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Articles and their headings: 3, Taking and Handling of Wildlife
4, Live Wildlife Rules
6, Rules of Practice Before the Commission
7, Heritage Grants
Section numbers: R12-4-301, R12-4-303, R12-4-304, R12-4-306 through R12-4-309, R12-4-318, R12-4-318, R12-4-412, R12-4-603, R12-4-606 through R12-4-609, and R12-4-702 (and possibly other Sections under Article 7)
2. **Subject matter of the proposed rules:**
R12-4-301. Restrictions for Taking Wildlife on Maricopa County Parks. Rule prescribes restrictions for taking wildlife in Maricopa County Parks, in order to notify the public of conditions which allow hunting access to Maricopa County parks.
R12-4-303. Prohibited Devices and Ammunition. Prescribes devices and ammunition which are prohibited from taking any wildlife in Arizona.
R12-4-304. Lawful Methods of Taking Wild Mammals, Birds, and Reptiles. Prescribes methods for taking wild mammals, birds, and reptiles during general open season.
R12-4-306. Buffalo Hunt Regulations. Prescribes the methods and rules of practice governing buffalo hunts.
R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts. Prescribes requirements for trapping and tagging of bobcat pelts.
R12-4-308. Wildlife Inspections, Check Stations, and Roadblocks. Prescribes authority and procedures for inspections, check stations, and roadblocks.

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R12-4-309. Restricted Hunts. Closes certain big game hunt areas to any but those holding the required big game permits; prescribes exceptions.

R12-4-318. Seasons. Prescribes special restrictions or requirements for various hunt structures.

R12-4-412. Tuberculosis Procedures for Cervidae Possessed by Special License. This is a proposal resulting from a petition from the Department of Agriculture. The new rule would require the Department to comply with the requirements of the USDA's *Tuberculosis Eradication in Cervidae-Uniform Methods and Rules* when enforcing requirements for possessing cervidae listed in R12-4-406.

R12-4-603. Oral Proceedings Before the Commission. This rule is in response to A.R.S. § 41-1003, requiring the adoption of rules of practice and also to A.R.S. § 41-1023, which states, "Each agency may adopt rules for the conduct of oral rulemaking proceedings."

R12-4-606. License Revocation, Denial of Right to Obtain License and Civil Assessment Proceedings. Provides for the conduct of Commission proceeding to revoke or suspend current game and fish licenses, deny the right to obtain future licenses, and order civil damages for the unlawful take or possession of wildlife.

R12-4-607. Rehearing or Review of Commission Decisions. Rule to comply with due process requirements of the Administrative Procedure Act.

R12-4-608. Appeal from Department Action. Prescribes procedures for appealing the denial of licenses or permits, or establishment or removal of controlled-use markers.

R12-4-609. Adoption of Commission Orders. Prescribes procedures for adoption of Commission orders, to ensure adequate public notice.

R12-4-702 (Heritage Grant) General Provisions. This rule and/or others within Article 7 may be amended to address requirements for Heritage grants.

3. A citation to all published notices relating to the proceeding:

None published.

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Susan Alandar, Administrative Services Manager

Address: Game and Fish Commission
2221 West Greenway Road DOAS
Phoenix, Arizona 85023

Fax: (602) 789-3299

5. The time during which written submissions may be made and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday from 8 a.m. until 5 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.

6. A timetable for agency decisions or other action in the proceeding:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading: 18, Environmental Quality

Chapter and its heading: 4, Department of Environmental Quality - Safe Drinking Water

Article and its heading: 3, Treatment Techniques

Section numbers: R18-4-304.01

2. Subject matter of the proposed rules:

ADEQ is considering the promulgation of a rule which will clarify part of the surface water treatment rule at R18-4-301. The surface water treatment rule requires each public water system that is a "surface water system" to provide filtration and disinfection treatment. A public water system which utilizes a groundwater source that is "under the direct influence of surface water" is considered to be a surface water system. ADEQ is considering the promulgation of a rule which will prescribe the criteria that the agency will use to determine whether a public water system is utilizing a groundwater source that is under the direct influence of surface water. The rule will prescribe monitoring requirements for public water systems that are suspected of using groundwater sources that are under the Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particle Analysis" as the primary basis for making this determination.

3. A citation to all published notices relating to the proceeding:

None published.

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4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Steve Pawlowski
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Fax: (602) 207-2227
5. The time during which written submissions may be made and the time and place where oral comments may be made:
To be published in a Notice of Proposed Rulemaking.
6. A timetable for agency decisions or other action in the proceeding:
The agency has not established a timetable for this rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 4, Department of Environmental Quality - Safe Drinking Water
Article and its heading: 1, General Requirements
Section numbers: R18-4-115
2. Subject matter of the proposed rules:
ADEQ is considering the amendment of the backflow prevention rule to: 1) clarify cross connection program requirements for water suppliers, 2) require that water suppliers conduct hazard assessments to determine whether a backflow prevention assembly is necessary at a service connection, 3) require the use of approved backflow prevention assemblies, 4) specify the types and minimum levels of backflow prevention, 5) prescribe installation and testing requirements for backflow prevention assemblies, 6) amend recordkeeping and reporting requirements, 7) revise certification requirements for backflow assembly testers, 7) provide exemptions for single and multi-family residences from backflow prevention requirements, 9) clarify backflow prevention requirements for Class 1 and Class 2 fire protection systems, and 10) require water suppliers to provide backflow prevention at key locations within water treatment plants.
3. A citation to all published notices relating to the proceeding:
None published.
4. Name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Steve Pawlowski
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Fax: (602) 207-2227
5. The time during which written submissions may be made and the time and place where oral comments may be made:
To be published in a Notice of Proposed Rulemaking.
6. A timetable for agency decisions or other action in the proceeding:
The agency has not established a timetable for this rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality - Environmental Reviews and Certification
Articles and their headings: 2, Public and Semipublic Swimming Pools and Spas
Section numbers: R18-5-201 through R18-5-252, Appendices A, B, and C
2. Subject matter of the proposed rules:
ADEQ is considering the promulgation of rules which will establish minimum design criteria for public and semipublic swimming pools and spas. The rules also will prescribe the procedures that apply to ADEQ Approvals to Construct and Approval of Construction.
3. A citation to all published notices relating to the proceeding:
None published.

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4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Steve Pawlowski
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Fax: (602) 207-2227

5. The time during which written submissions may be made and the time and place where oral comments may be made:

To be published in a Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action in the proceeding:

ADEQ hopes to publish a Notice of Proposed Rulemaking for the rules in April 1997.